United Nations A/INF/63/5

General Assembly

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Sixty-third session

United Nations Administrative Tribunal

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the annual note by the United Nations Administrative Tribunal to the President of the General Assembly.

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Annex

Annual note by the United Nations Administrative Tribunal to the President of the General Assembly

1. At its third plenary session, held in Paris on 20 December 1951, the United Nations Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with that decision, the present note is submitted in respect of the year 2008.

A. Appointment of members of the Tribunal by the General Assembly

2. In view of the provisions of General Assembly resolution 62/228, no new members were appointed.

B. Composition of the Tribunal during 2008

3. In 2008, the Tribunal was composed of the following members:

Spyridon Flogaitis (*President*)

Jacqueline R. Scott (*First Vice-President*)

Dayendra Sena Wijewardane (*Second Vice-President*)

Brigitte Stern

Goh Joon Seng

Bob Hepple

Agustín Gordillo

C. Fifty-ninth plenary session

4. The Tribunal met in annual plenary session in New York on 21 November 2008, pursuant to article 5, paragraph 1, of its rules. All members were present except Brigitte Stern.

D. Judgements delivered during 2008

5. In 2008, the Tribunal held three sessions, one in New York from 21 April to 2 May, one in Geneva from 23 June to 25 July and one in New York from 27 October to 26 November. The composition of the panels and the corresponding judgements rendered are set out below.

Case No. 1155
Bekele
New York, 22 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Ms. Stern

(Bekele against the Secretary-General of the United Nations)
(Request by former United Nations staff member for revision of Judgement No. 1077)
Judgement No. 1372

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Case No. 1264
Ly
New York, 23 April-2 May 2008
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Ly against the Secretary-General of the United Nations)
(Request by United Nations Development Programme (UNDP) staff member for revision of Judgement No. 1172)
Judgement No. 1373

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Case No. 1328
Abalu
New York, 22 April-2 May 2008
Ms. Scott, presiding
Mr. Wijewardane
Ms. Stern

(Abalu against the Secretary-General of the United Nations)
(Request by former Economic Commission for Africa staff member for revision of Judgement No. 1254)
Judgement No. 1374

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Case No. 1331
Baldwin
New York, 22 April-2 May 2008
Ms. Scott, presiding
Mr. Wijewardane
Ms. Stern

(Baldwin against the United Nations Joint Staff Pension Board)
(Request by Pension Fund participant for revision and interpretation of Judgement No. 1243)
Judgement No. 1375

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Case No. 1332
Makhtoub
New York, 21 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Ms. Stern

(Makhtoub against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Request by former UNRWA staff member for revision of Judgement No. 1259)
Judgement No. 1376

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Case No. 1333
Singhal
New York, 23 April-2 May 2008
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Singhal against the Secretary-General of the United Nations)
(Request by respondent for interpretation of Judgement No. 1260)
Judgement No. 1377

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Case No. 1345
Mensah-Dapaah
New York, 23 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane

(Mensah-Dapaah against the Secretary-General of the United Nations)
(Request by former United Nations staff member for revision of Judgement No. 1262)
Judgement No. 1378

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Case No. 1351
Strongman
New York, 21 April-2 May 2008
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Strongman against the Secretary-General of the United Nations)
(Request by former International Tribunal for the Former Yugoslavia staff member for revision of Judgement No. 1268)
Judgement No. 1379

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Case No. 1358 (a)
Al-Souki
New York, 21 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane

(Al-Souki against the Secretary-General of the United Nations)
(Request by respondent for interpretation of Judgement No. 1275)
Judgement No. 1380

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Case No. 1358 (b)
Al-Souki
New York, 21 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane

(Al-Souki against the Secretary-General of the United Nations)
(Request by former UNDP staff member for execution and interpretation of Judgement No. 1275)
Judgement No. 1381

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Case No. 1454
Sánchez Alencaster
New York, 24 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Ms. Stern

(Sánchez Alencaster against the Secretary-General of the United Nations)
(Claim by former United Nations Environment Programme (UNEP) staff member for payment of a termination indemnity)
Judgement No. 1382

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Case No. 1458
Benhamou
New York, 24 April-2 May 2008
Ms. Scott, presiding
Mr. Wijewardane
Ms. Stern

(Benhamou against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the implied decision not to consider his request to defend himself against accusations)
Judgement No. 1383

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Case No. 1467
Bouchuiguir
New York, 22 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Ms. Stern

(Bouchuiguir against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1384

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Case No. 1472
Ordonez
New York, 22 April-2 May 2008
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Ordonez against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision that his appeal to the Joint Appeals Board was not admissible, *ratione materiae*)
Judgement No. 1385

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Case No. 1482
Nhliziyo
New York, 24 April-2 May 2008
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane

(Nhliziyo against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision that his appeal to the Joint Appeals Board was not admissible, *ratione temporis*)
Judgement No. 1386

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Case No. 1422
Flaetgen
Geneva, 4-27 July 2007
New York, 24 October-21 November 2007
Geneva, 23 June-25 July 2008
Mr. Flogaitis, President
Ms. Stern
Mr. Goh

(Flaetgen against the Secretary-General of the United Nations)
(Request by United Nations Population Fund (UNFPA) staff member for rescission of the decisions to reassign him and not promote him)
Judgement No. 1387

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Case No. 1436
Comerford-Verzuu
New York, 26 October-21 November 2007
Geneva, 26 June-25 July 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Comerford-Verzuu against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions to close her case following the refusal of the insurer under the Malicious Acts Insurance Policy to grant her compensation; to reject the Joint Appeals Board's recommendation to increase her compensation under Appendix D of the Staff Rules; and to not pay her an ex gratia payment)
Judgement No. 1388

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Case No. 1454
Sánchez Alencaster
Geneva, 25 June-25 July 2008
Ms. Scott, presiding
Ms. Stern
Mr. Gordillo

(Sánchez Alencaster against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for payment of a termination indemnity)
Judgement No. 1389

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Case No. 1455
Pal-Singh
Geneva, 4-25 July [illegible]
Mr. Flogaitis, President
Ms. Scott
Mr. Gordillo

(Pal-Singh against the Secretary-General of the United Nations)
(Request by United Nations staff member to remove an unsigned performance appraisal report from her official status file; and claim for compensation for violation of her rights of due process)
Judgement No. 1390

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Case No. 1456
Tagle
Geneva, 26 June-25 July 2008
Mr. Wijewardane, presiding
Ms. Stern
Sir Bob Hepple

(Tagle against the Secretary-General of the United Nations)
(Request by a former Economic Commission for Latin America and the Caribbean (ECLAC) staff member for rescission of the decision to summarily dismiss her for serious misconduct)
Judgement No. 1391

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Case No. 1457
Radoja
Geneva, 27 June-25 July 2008
Ms. Scott, presiding
Mr. Goh
Sir Bob Hepple

(Radoja against the Secretary-General of the United Nations)
(Request by former United Nations Mission in Bosnia and Herzegovina staff member for rescission of the decision not to renew his appointment of limited duration)
Judgement No. 1392

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Case No. 1459
Maia-Sampaio
Geneva, 26 June-25 July 2008
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Maia-Sampaio against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision to deny compensation under article 11.1 (c) of Appendix D)
Judgement No. 1393

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Case No. 1460
Kiarie-Nyoike
Geneva, 24 June-25 July 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Kiarie-Nyoike against the Secretary-General of the United Nations)
(Request by former Office of the United Nations High Commissioner for Refugees (UNHCR) staff member for rescission of the decision to summarily dismiss her for serious misconduct)
Judgement No. 1394

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Case No. 1461
Njogu
Geneva, 24 June-25 July 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Njogu against the Secretary-General of the United Nations)
(Request by former UNHCR staff member for rescission of the decision to summarily dismiss her for serious misconduct)
Judgement No. 1395

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Case No. 1462
Wielechowski
Geneva, 26 June-25 July 2008
Ms. Scott, presiding
Ms. Stern
Sir Bob Hepple

(Wielechowski against the Secretary-General of the United Nations)
(Request by United Nations staff member that her same-sex partner be recognized as her legal spouse for United Nations purposes)
Judgement No. 1396

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Case No. 1463
Perez-Soto
Geneva, 26 June-25 July 2008
Mr. Flogaitis, President
Ms. Stern
Mr. Gordillo

(Perez-Soto against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions to reassign him and not to promote him; and claim for additional compensation for extensive sufferings)
Judgement No. 1397

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Case No. 1465
Pudasaini
Geneva, 3-25 July 2008
Mr. Flogaitis, President
Sir Bob Hepple
Mr. Gordillo

(Pudasaini against the Secretary-General of the United Nations)
(Request by former UNFPA staff member for rescission of the decision not to renew his fixed-term appointment)
Judgement No. 1398

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Case No. 1466
Nnorom
Geneva, 25 June-25 July 2008
Mr. Flogaitis, President
Ms. Stern
Mr. Goh

(Nnorom against the Secretary-General of the United Nations)
(Request by former International Criminal Tribunal for Rwanda staff member for rescission of the decision not to renew his fixed-term appointment; and claim for additional compensation)
Judgement No. 1399

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Case No. 1468
Wen
Geneva, 30 June-25 July 2008
Ms. Scott, presiding
Mr. Wijewardane
Mr. Goh

(Wen against the Secretary-General of the International Civil Aviation Organization (ICAO))
(Request by ICAO staff member for rescission of the decision not to promote him)
Judgement No. 1400

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Case No. 1469
Hameed
Geneva, 1-25 July 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Hameed against the Secretary-General of the United Nations)
(Claim by former World Food Programme (WFP)/UNDP staff member for compensation for moral, social and emotional damage as a result of procedural irregularities, administrative delays and damage to his reputation)
Judgement No. 1401

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Case No. 1470
Githaiga
Geneva, 30 June-25 July 2008
Ms. Scott, presiding
Mr. Wijewardane
Mr. Goh

(Githaiga against the Secretary-General of ICAO)
(Request by ICAO staff member for rescission of the decision not to renew his fixed-term contract)
Judgement No. 1402

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Case No. 1471
Johnson
Geneva, 30 June-25 July 2008
Ms. Scott, presiding
Ms. Stern
Mr. Gordillo

(Johnson against the Secretary-General of the United Nations)
(Request by former UNDP staff member for rescission of the decision to summarily dismiss him for serious misconduct)
Judgement No. 1403

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Case No. 1474
Coggon
Geneva, 1-25 July 2008
Ms. Scott, presiding
Sir Bob Hepple
Mr. Gordillo

(Coggon against the Secretary-General of the United Nations)
(Request by United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) staff member for rescission of the decision to reprimand him for unbecoming conduct)
Judgement No. 1404

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Case No. 1475
Cherniavsky
Geneva, 1-25 July 2008
Ms. Scott, presiding
Mr. Goh
Mr. Gordillo

(Cherniavsky against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1405

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Case No. 1476
Shaikh
Geneva, 2-25 July 2008
Ms. Scott, presiding
Mr. Goh
Mr. Gordillo

(Shaikh against the Secretary-General of the United Nations)
(Request by United Nations Children's Fund (UNICEF) staff member for rescission of the decision not to promote him)
Judgement No. 1406

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Case No. 1477
Toropin
Geneva, 2-25 July 2008
Ms. Scott, presiding
Mr. Goh
Mr. Gordillo

(Toropin against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision not to promote him)
Judgement No. 1407

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Case No. 1479
Cherian
Geneva, 2-25 July 2008
Mr. Flogaitis, President
Ms. Stern
Sir Bob Hepple

(Cherian against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to select him as the Supervisor, Delegation Distribution Unit, following a merger of that Unit and the Secretariat Distribution Unit)
Judgement No. 1408

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Case No. 1480
Hussain
Geneva, 3-25 July 2008
Mr. Flogaitis, President
Mr. Wijewardane
Ms. Stern

(Hussain against the Secretary-General of the United Nations)
(Request by former UNDP staff member for rescission of the decision to terminate his permanent appointment due to abolition of post; and claim for compensation for the failure to make a bona fide effort to find him a suitable alternative post in violation of staff rule 109)
Judgement No. 1409

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Case No. 1481
Chipoma
Geneva, 3-25 July 2008
Ms. Scott, presiding
Sir Bob Hepple
Mr. Gordillo

(Chipoma against the Secretary-General of the United Nations)
(Request by former UNICEF staff member for rescission of the decision not to renew her fixed-term contract)
Judgement No. 1410

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Case No. 1483
Cherif
Geneva, 3-25 July 2008
Mr. Wijewardane, presiding
Ms. Stern
Sir Bob Hepple

(Cherif against the Secretary-General of the United Nations)
(Claim by a former UNHCR staff member for additional compensation for moral damages)
Judgement No. 1411

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Case No. 1484
Guberan
Geneva, 4-25 July 2008
Mr. Wijewardane, presiding
Ms. Stern
Mr. Goh

(Guberan against the Secretary-General of the United Nations)
(Request by former United Nations staff member that his service between 1 August 1985 and 30 June 1998 on special service agreements be validated for pension purposes)
Judgement No. 1412

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Case No. 1473
Sevan
Geneva, 1-25 July 2008
New York, 17-26 November 2008
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane
Ms. Stern
Mr. Goh
Sir Bob Hepple
Mr. Gordillo

(Sevan against the Secretary-General of the United Nations)
(Claim by a former United Nations staff member for payment of legal expenses incurred in connection with his participation in the Independent Inquiry Committee investigation)
Judgement No. 1413

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Case No. 1478
Stephanides
Geneva, 2-25 July 2008
New York, 18-26 November 2008
Mr. Flogaitis, President
Ms. Scott
Mr. Wijewardane
Ms. Stern
Mr. Goh
Sir Bob Hepple
Mr. Gordillo

(Stephanides against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decision to reject the unanimous recommendations of the Joint Disciplinary Committee and to impose the disciplinary penalty of written censure; and claim for compensation for violation of his rights of due process)
Judgement No. 1414

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Case No. 1485
Khelifi
New York, 11-26 November 2008
Mr. Flogaitis, President
Ms. Stern
Mr. Goh

(Khelifi against the Secretary-General of the United Nations)
(Request by former MONUC staff member for rescission of the decision to separate him from service with compensation in lieu of notice for misconduct)
Judgement No. 1415

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Case No. 1488
Chautard
New York, 10-26 November 2008
Ms. Scott, presiding
Mr. Wijewardane
Ms. Stern

(Chautard against the Secretary-General of the United Nations)
(Request by former United Nations staff member for rescission of the decision not to renew his fixed-term appointment)
Judgement No. 1416

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Case No. 1489
Curtis
New York, 11-26 November 2008
Ms. Scott, presiding
Mr. Wijewardane
Ms. Stern

(Curtis against the Secretary-General of the United Nations)
(Request by former International Tribunal for the Former Yugoslavia staff member for rescission of the decision not to renew his fixed-term appointment)
Judgement No. 1417

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Case No. 1490
Bose
New York, 11-26 November 2008
Mr. Flogaitis, President
Ms. Stern
Mr. Goh

(Bose against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions that the post he encumbered was classified properly at the G-6 level and not to grant him a special post allowance)
Judgement No. 1418

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Case No. 1491
Grinblat
New York, 10-26 November 2008
Ms. Scott, presiding
Ms. Stern
Sir Bob Hepple

(Grinblat against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for payment of unused annual leave, travel day and pre-July 1979 repatriation grant)
Judgement No. 1419

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Case No. 1495
Nzau
New York, 10-26 November 2008
Mr. Flogaitis, President
Ms. Stern
Mr. Goh

(Nzau against the Secretary-General of the United Nations)
(Request by United Nations staff member for rescission of the decisions not to redeploy her to a post at a duty station where the working conditions were compatible with her state of health and to withhold her salary beginning September 2003; and claim for compensation for financial loss and for unjust and discriminatory treatment)
Judgement No. 1420

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Case No. 1496
Luvai
New York, 10-26 November 2008
Ms. Scott, presiding
Ms. Stern
Mr. Goh

(Luvai against the Secretary-General of the United Nations)
(Claim by United Nations staff member for compensation for personal effects lost due to emptying of his locker while he was on mission)
Judgement No. 1421

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Case No. 1499
Yerkovic
New York, 7-26 November 2008
Ms. Scott, presiding
Ms. Stern
Mr. Goh

(Yerkovic against the Secretary-General of the United Nations)
(Request by former ECLAC staff member for rescission of the decision to summarily dismiss her for serious misconduct)
Judgement No. 1422

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Case No. 1500
Al-Mahayni
New York, 7-26 November 2008
Mr. Wijewardane, presiding
Ms. Stern
Sir Bob Hepple

(Al-Mahayni against the Secretary-General of the United Nations)
(Request by former UNDP staff member to be reinstated in service in an appropriate post; and claim for compensation for moral damage suffered as a result of harassment)
Judgement No. 1423

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Case No. 1486
Schimmer
New York, 4-26 November 2008
Ms. Scott, presiding
Mr. Wijewardane
Sir Bob Hepple

(Schimmer against the Secretary-General of the United Nations)
(Claim by former United Nations Drug Control Programme staff member for rescission of the decision not to renew her Associate Expert contract for a second year)
Judgement No. 1424

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Case No. 1487
Mirza
New York, 5-26 November 2008
Ms. Scott, presiding
Mr. Goh
Sir Bob Hepple

(Mirza against the Secretary-General of the United Nations)
(Request by former UNHCR staff member for rescission of the decision to terminate his indefinite appointment for abolition of post)
Judgement No. 1425

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Case No. 1492
Manuel
New York, 28 October-26 November 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Manuel against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for higher compensation under Appendix D)
Judgement No. 1426

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Case No. 1493
Christensen
New York, 4-26 November 2008
Ms. Scott, presiding
Mr. Goh
Sir Bob Hepple

(Christensen against the Secretary-General of the United Nations)
(Request by former staff member of the United Nations for rescission of the decision by the Advisory Board on Compensation Claims that the illness she contracted while on mission was not attributable to the performance of official duties and for review of certain administrative issues)
Judgement No. 1427

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Case No. 1494
Osman
New York, 3-26 November 2008
Mr. Flogaitis, President
Ms. Scott
Sir Bob Hepple

(Osman against the Secretary-General of the United Nations)
(Claim by former MONUC staff member for rescission of the decision to separate him from service with compensation in lieu of notice for misconduct)
Judgement No. 1428

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Case No. 1497
Boubezari
New York, 31 October-26 November 2008
Mr. Flogaitis, President
Mr. Wijewardane
Mr. Goh

(Boubezari against the Secretary-General of the United Nations)
(Claim by former UNDP/WFP staff member for rescission of the decision not to renew her fixed-term appointment)
Judgement No. 1429

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Case No. 1498
Waite
New York, 31 October-26 November 2008
Mr. Flogaitis, President
Mr. Wijewardane
Mr. Goh

(Waite against the Secretary-General of the United Nations)
(Request by former UNEP staff member for rescission of the decision not to renew his fixed-term appointment; and claim for damage caused to his health and reputation by unsubstantiated allegations of inadequate performance)
Judgement No. 1430

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Case No. 1503
Fernando
New York, 28 October-26 November 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Fernando against the Secretary-General of the United Nations)
(Claim by United Nations staff member for higher compensation under Appendix D)
Judgement No. 1431

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Case No. 1504
Oh
New York, 28 October-26 November 2008
Mr. Flogaitis, President
Mr. Wijewardane
Sir Bob Hepple

(Oh against the Secretary-General of the United Nations)
(Claims by United Nations staff member for higher compensation under Appendix D)
Judgement No. 1432

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Case No. 1506
Jurovics
New York, 19-26 November 2008
Mr. Flogaitis, President
Sir Bob Hepple
Mr. Gordillo

(Jurovics against the Secretary-General of the United Nations)
(Request by former International Criminal Tribunal for Rwanda staff member for rescission of the decision that his appeal to the Joint Appeals Board was not admissible, *ratione temporis*)
Judgement No. 1433

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E. Summary of cases that merit special attention

6. The Tribunal would like to draw the attention of the General Assembly to a number of judgements distributed in 2008 that it considers to be landmark decisions expanding its jurisprudence. A short summary of each of these judgements is set out below.

7. Judgement No. 1386, *Nhliziyo*, was rendered on 25 July 2008 and distributed on 8 October. The Tribunal agreed with the Joint Appeals Board that the appeal, which was filed in October 2003 more than a year after the time limit prescribed in staff rule 111.2 (a), was not receivable, *ratione temporis*. However, it noted that when, in September 2003, the Board informed the applicant of the time limits in his case and specified that he had to file his appeal within one month or it would be deemed to have been abandoned, his counsel advised the Board of "informal attempts at resolving the matter involving the Ombudsman". The Tribunal stated "in the strongest possible terms" that, while it is commendable for every effort to be made in resolving conflicts via the informal system, such efforts will not be considered to automatically "stop the clock ticking" in the formal system. It recalled in this regard its Judgement No. 1211, *Muigai* (2004), where the Tribunal found that "negotiations between the parties do not stop the time from running. While negotiations are to be encouraged, they do not in and of themselves necessarily suspend the time limits for initiating the formal proceedings."

8. Judgement No. 1388, *Comerford-Verzuu*, was rendered on 25 July 2008 and distributed on 8 October. The Applicant, acting as the beneficiary of her husband, Dr. C., who died on 18 August 2000 while he was on mission for UNDP in the Democratic Republic of the Congo, requested the Tribunal to rescind the decision to close the case following the refusal of the insurer under the Malicious Acts Insurance Policy to grant her compensation. She also made various additional requests for compensation, including for the failure on the part of the respondent to safeguard her husband's personal safety, health and welfare.

9. The case arose because it had been impossible to determine whether Dr. C.'s death was attributable to homicide or suicide. As it was not the Tribunal's role to make a factual determination on the cause of death, its starting point was the Secretary-General's acceptance of the Advisory Board on Compensation Claims' recommendation that the death "be recognized as being attributable to the performance of official duties on behalf of the United Nations". That decision having been taken, the Tribunal had to determine the extent of the legal obligations it created for the Organization.

10. The principal question was whether the applicant's claim, as the dependent widow of the deceased under the Malicious Acts Insurance Policy, which was administered by the Office of the United Nations Security Coordinator through a broker representing the underwriters, was mishandled by the Organization, resulting in substantial economic and moral damage to her and their dependent children. The Tribunal found that the Organization, as the assured and the administrator of claims made by staff members who are insured persons and their beneficiaries, had a duty to act fairly and in good faith. After careful consideration of all the documents submitted by the Office of the United Nations Security Coordinator to the insurers, it concluded, contrary to the Joint Appeals Board, that the Organization had seriously breached both of those specific obligations. Not only had the Office failed

to ensure that there had been as good an investigation as was possible in all the circumstances, but also it had seriously failed to present a fair and impartial description of the circumstances leading to the claim and had prejudiced the outcome by concluding that Dr. C. had committed suicide. In addition, the Tribunal found that the Organization's dealings with the applicant lacked transparency; that she was callously treated; that she was not provided with counselling; that she was consistently denied access, not only to all the documentation sent to the insurer, but even to the text of the relevant Malicious Acts Insurance Policy; and that there were unconscionable delays in the handling of her claim.

11. Accordingly, the Tribunal found that the applicant had established that the Malicious Acts Insurance Policy claim was seriously mishandled by the Organization, in breach of the duty of good faith, and that there was also a serious failure of due process. In the light of this finding, it awarded the applicant compensation in the amount of $250,000.

United Nations A/INF/63/6

General Assembly

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List of non-Member States, entities and organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly

Note by the Secretariat

The present document contains the list in alphabetical order of non-Member States, entities and organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly.

African, Caribbean and Pacific Group of States

African Development Bank

African Union

Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

Andean Community

Asian-African Legal Consultative Organization

Asian Development Bank

Association of Caribbean States

Association of Southeast Asian Nations

Black Sea Economic Cooperation Organization

Caribbean Community

Central American Integration System

Collective Security Treaty Organization

Common Fund for Commodities

Commonwealth of Independent States

Commonwealth Secretariat

09-25552 (E) 050309

Community of Portuguese-speaking Countries

Community of Sahelo-Saharan States

Conference on Interaction and Confidence-building Measures in Asia

Cooperation Council for the Arab States of the Gulf

Council of Europe

Customs Cooperation Council

East African Community

Economic Community of Central African States

Economic Community of West African States

Economic Cooperation Organization

Energy Charter Conference

Eurasian Development Bank

Eurasian Economic Community

European Community

GUAM

Hague Conference on Private International Law

Holy See

Ibero-American Conference

Indian Ocean Commission

Inter-American Development Bank

International Centre for Migration Policy Development

International Committee of the Red Cross

International Criminal Court

International Criminal Police Organization (INTERPOL)

International Development Law Organization

International Federation of Red Cross and Red Crescent Societies

International Fund for Saving the Aral Sea

International Hydrographic Organization

International Institute for Democracy and Electoral Assistance

International Organization for Migration

International Organization of la Francophonie

International Seabed Authority

International Tribunal for the Law of the Sea

International Union for Conservation of Nature

Inter-Parliamentary Union

Islamic Development Bank Group

Italian-Latin American Institute

Latin American Economic System

Latin American Integration Association

Latin American Parliament

League of Arab States

OPEC Fund for International Development

Organization for Economic Cooperation and Development

Organization for Security and Cooperation in Europe

Organization of American States

Organization of Eastern Caribbean States

Organization of the Islamic Conference

Pacific Islands Forum

Palestine

Partners in Population and Development

Permanent Court of Arbitration

Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States

Shanghai Cooperation Organization

South Asian Association for Regional Cooperation

South Centre

Southern African Development Community

Sovereign Military Order of Malta

University for Peace